

Application Serial No. 09/944,572

REMARKS

1. Applicant thanks Examiners Pezzlo and Tsegaye for their generous assistance, provided during a telephone interview on April 19, 2006. Applicant first took the opportunity to provide an explanatory overview of the invention, and then characterized the invention against the Li reference. The Examiners agreed that neither of claims 1 and 18 read on Li. The Examiners also offered the guidance that providing more detailed description of the adaptive randomization feature of the invention could be helpful in distinguishing the invention from other art in the field of the invention. The Examiners graciously consented to consider a supplement to the Amendment filed on March 1, 2006. Applicant submitted a draft amendment of the independent claims to Examiner Tsegaye on April 21, 2006. During a phone conversation on April 26, 2006, Examiner Tsegaye expressed her belief that the draft amendments had overcome all prior art rejections currently pending.

2. In response to the Examiners' request, Applicant amends claim 1 to incorporate the subject matter of claims 9-14, thus providing a detailed description of the adaptive randomization feature of the invention. In similar fashion, Claim 18 has been amended to incorporate the subject matter of claim 19-21; claims 23 and 24, corresponding method and apparatus claims have been amended to incorporate the subject matter of claims 25 and 31 and claim 33 has been amended to incorporate the subject matter of claims 34 and 36-37.

3. The above amendments are made in the interest of advancing prosecution of the application, and are not to be interpreted as demonstrating intent to sacrifice claim scope. Applicant expressly reserves the right to pursue patent protection of a scope it believes it is entitled to in one or more continuing applications.

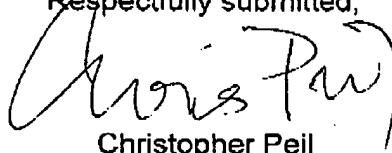
4. Claims 46-90 are cancelled from the application.

Application Serial No. 09/944,572

CONCLUSION

In view of the foregoing, the application is deemed to be in allowable condition. Therefore, reconsideration and prompt allowance of the claims is earnestly considered. Should the Examiner have any further questions regarding the application, she is respectfully urged to contact applicant's attorney at 650-474-8400.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Chris Peil", written in black ink.

Christopher Peil

Reg. No. 45,005

Customer No. 22862